

Application No. 10/802,385
Amendment Dated October 12, 2006
Reply to Office Action of April 12, 2006

Amendments to the Drawings

The attached three sheets of drawings include changes to Figs. 1-3 to bring them more closely into conformity with Figs. 1-3 as originally filed in this application. These three sheets which include Figs 1-3 replace the two formal drawing sheets submitted herein on September 2, 2004 that included Figs. 1-3 which replaced the one sheet containing Figs. 1-3 originally filed in this application. Reference numerals, lead lines and other indicia have been added to the drawings to allow the specification to be amended to describe the information originally present in Figs. 1-3 of this application.

Attachments: Three Replacement Sheets

Three Annotated Sheets showing changes

REMARKS

Amendment to the Specification

A substitute specification has been submitted which includes an amendment to correct a scrivener's error in the Brief Description of Figs. 2 and 3 to have the Brief Description conform to the Detailed Description that consistently refers to Fig. 2 as showing an engaging track and Fig. 3 as showing a receptacle track and to recite information clearly shown in Figs. 1-3 as originally filed. The annotated specification shows additions as double underlined material and deletions as strikethroughs.

Amendments to the Drawings

The amendments to the drawings provide reference numerals, lead lines and other indicia to support recitation of the material disclosed in Figs. 1-3 as originally filed in this application.

Claim Rejections and Objections

The Examiner rejected claims 9-12, 14, 15, 17, 19, 21-24, 26 and 27 under 35 U.S.C. §112, first paragraph, objected to claim 8 and rejected claims 8-27 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,204,147 issued to Schneider. Claims 8, 13, 17-20, 24, 26 and 27 have been amended. Claims 8-27 remain in the application.

A. The 35 USC §112, First Paragraph Rejection is Unfounded

Figs. 1-3 of this application as originally filed and as publicly available on the PAIR system were shop drawings containing information regarding the scale to which the drawing was made and various dimensional information and centerline information. The added written description in the substitute specification recites the information contained in Figs. 1-3 as originally filed and additional information that can clearly be gleaned by one of ordinary skill in the art to which the invention relates from those figures. This added description and the

drawings as originally filed clearly establish that the inventors possessed the inventions claimed in claims 9-12, 14, 15, 17, 19, 21-24, 26 and 27 at the time the application was filed.

B. The Objection to Claim 8 Has Been Addressed By Amendment

The Examiner objected to claim 8 indicating the belief that the last phrase of the claim is grammatically incorrect. Claim 8 as amended is now believed to be grammatically correct.

C. Claims 28-47 Are Allowable Over the Cited Reference

The Examiner rejected claims 8-27 as being anticipated by U.S. Pat. No. 5,204,147 issued to Schneider. The claims as amended are believed to be allowable over Schneider as Schneider fails to disclose all of the elements and limitations of any of the independent claims 8, 13, 19 and 20.

For example, claim 8 claims an engaging track having a profile extending from the first edge along a decreasing-radius arc at least 180 degrees to a tip wherein when the engaging track is received in the articulation space of the receptacle track with the tip in engagement with the articulating surface of the lip of the receptacle track of the another slot, the engaging track of the slot and the receptacle track of the another track cooperate to limit vertical movement of the slot relative to the another slot to a maximum vertical movement of less than 0.1 inches. This type of a track is not disclosed by Schneider. Thus, claim 28, and claims 29-32 which depend from claim 28, are allowable over Schneider.

Claim 13 as amended recites that "receptacle track has a profile including a discontinuous articulation surface having a first concave articulation surface spaced a distance apart from a second concave articulation surface, a gap in the discontinuous articulation surface being disposed between adjacent ends of the first and second articulation surfaces, a lip adjacent to the first articulation surface extending away from the first articulation surface towards the second articulation surface, and a curved surface extending along an arc at least 210 degrees from the first concave articulation surface to the second concave articulation surface defining a gap in the discontinuous articulation surface being disposed between the first and second articulation

surfaces.” which recites limitations not found in Schneider. The Examiner indicates that he interprets Schneider as disclosing that the “receptacle track has a lip (defining the left edge of the opening into receptacle 5), a first articulation surface (clockwise from the lip), a second articulation surface at the top of the receptacle 5, the surfaces being separated by a planar portion.” It is assumed that the Examiner means that the first articulation surface is the top surface of what is referred to in this application as the lip, and that the lip is only the tip of what is described in this application as the lip, the second articulation surface is the curved surface at the top of the receptacle and the straight planar wall on the left side of the interior of the receptacle provides the displacement between the first and second articulation surfaces. This being the case, the lip does not extend away from the first articulation surface toward the second articulation surface nor does the planar wall meet gap limitation. Thus, for at least the reasons stated above, Schneider does not disclose all of the elements and limitations of claim 13. That being so, claim 13, and claims 14-18 which depend from claim 13, are allowable over Schneider. Additionally, as to claim 17, the planar wall of Schneider does not meet the limitations recited regarding the curved wall. Finally, claim 18 as amended includes limitations not found in Schneider.

Claim 19 contains many of the same limitations recited above with regard to the receptacle track of claim 13 and is allowable over Schneider for the same reasons. Additionally, claim 19 recites that the receptacle track has a “curved surface extending along an arc at least 210 degrees from the first concave articulation surface to the second concave articulation surface defining a gap in the discontinuous articulation surface being disposed between the first and second articulation surfaces.” The planar wall relied upon by the Examiner to provide the “spaced apart” limitation does not meet the limitations of the curved surface recited in claim 19 nor is it a gap as recited in claim 19. Thus, for at least the above reasons, claim 19 is allowable over Schneider.

The second slot recited in claim 20 contains the same limitations regarding the retention track as are contained in claim 13. Thus, for at least the reasons described above with regard to claim 13, claim 20 is allowable over Schneider. This being so, claims 21-27 which depend from

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claim 20 are allowable over Schneider. Additionally, as to claim 24, the planar wall of Schneider does not meet the limitations recited regarding the curved surface and would not serve as a gap between adjacent ends of the first and second articulation surface. Finally, claim 26 has been amended to recite that "a relative movement between the first slat and the second slat in the plane is constrained by the structure of the first and second slat to a maximum relative movement of less than 0.05 inches." This limitation was believed to be implied in the claim as originally filed when interpreted in light of the specification. Schneider does not disclose all of the elements and limitations of claim 26 as amended.

Provisional Obviousness-Type Double Patenting

The Examiner provisionally rejected claims 8-27 on the ground of non-statutory double patenting as being unpatentable over claims 28-47 of co-pending application no. 11/058,879 in view of Schneider. The amendments submitted herein are believed to render claims 8-27 patentably distinct over claims 28-47 in the co-pending application in view of Schneider. In the event that in both the current and co-pending application that would result in obviousness-type double patenting, an appropriate terminal disclaimer will be filed in the appropriate application.

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Further Action Requested

Included herewith is a check for \$905.00 to cover the small entity fee for a three-month extension of time (\$395.00) and the request for continued examination (\$510.00). Additionally, please provide any additional extensions of time that may be necessary and charge any fees that may be due to Deposit Account No. 09-0007.

Applicant respectfully submits that claims 8-27 are now in condition for allowance, and such allowance is hereby requested.

Respectfully submitted,

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Appendix A

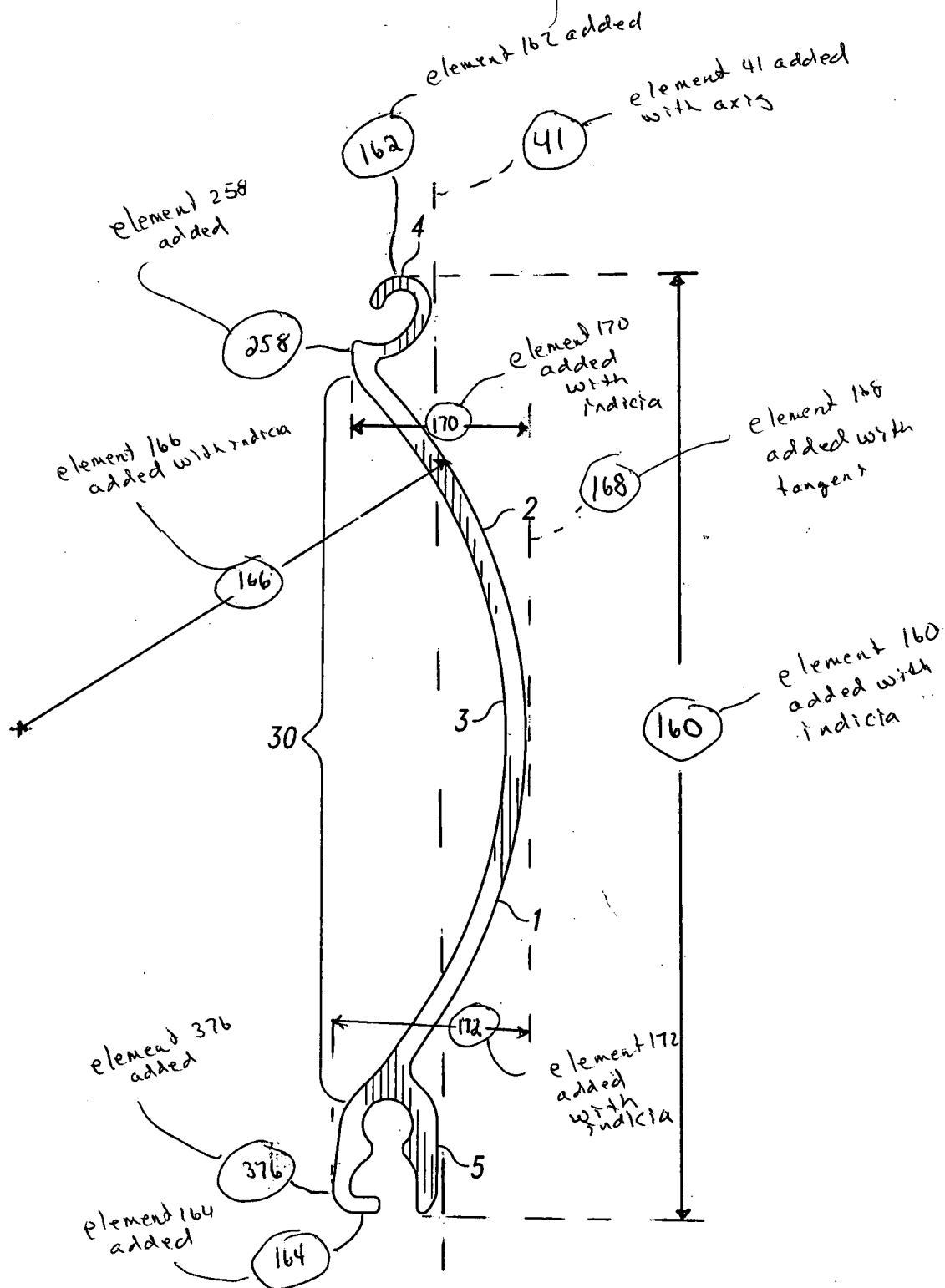


Fig. 1

Fig. 2 placed on separate sheet copied
at higher magnification and reoriented

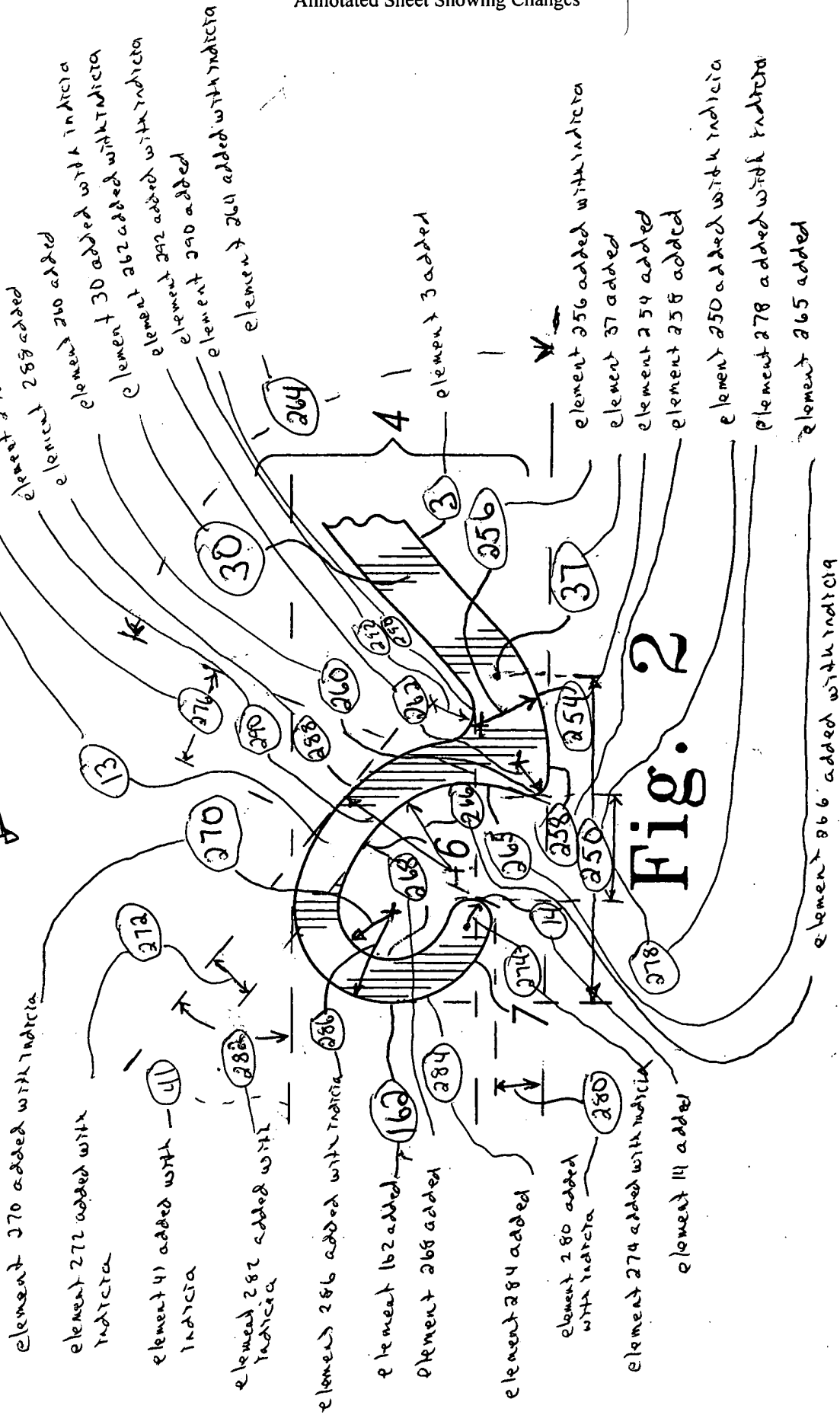


Fig. 2

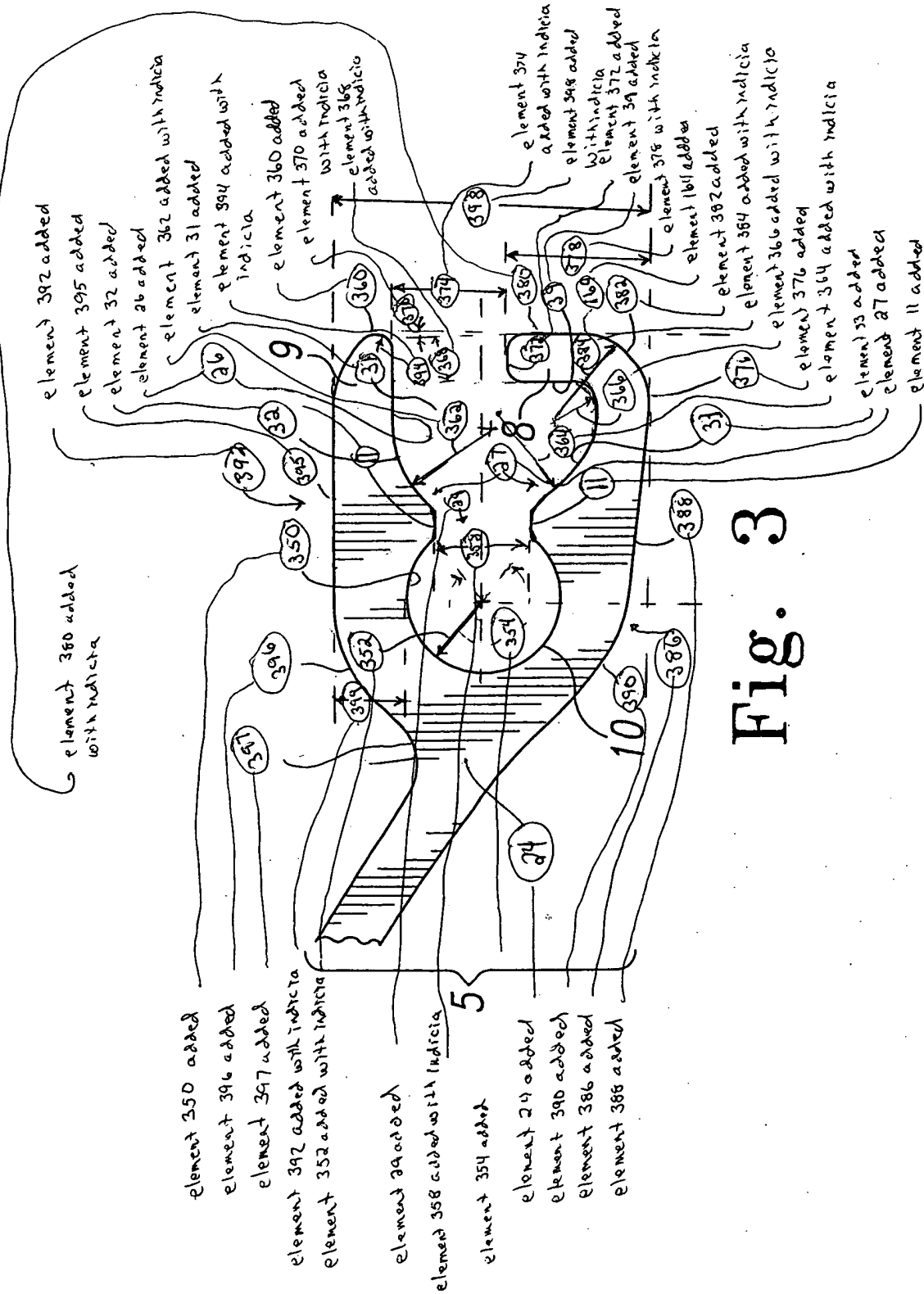


Fig. 3